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Home, No. 1680 King street.

A LIQUOR LAW PROPOSED BY THE DEALERS

**Governor Carter Now Has in Hand the Views
of the Retailers' Association Embodied
in a Bill.**

Yesterday Governor Carter received from the Retail Dealers' Association a communication enclosing a copy of the bill which they will submit to the coming session of the legislature, embodying their ideas of the action necessary to place the liquor business of the Territory under proper regulation and control. This is going to be one of the live issues presented for the solution of the law making body, and Governor Carter is seeking to get a presentation of the ideas of all who are interested in the matter.

The letter of the Liquor Dealers' Association, which will be found to contain some rather startling revelations, follows:

Honolulu, January 18, 1905.
Hon. Geo. R. Carter, Governor, Territory of Hawaii:

Dear Sir: We enclose for your consideration a copy of a bill which embodies the ideas of the Retail Liquor Dealers on the license question.

We believe that it is your idea that the liquor business should be conducted in a legal manner, and in a way that would have the co-operation of the liquor-using public in carrying out the law, and in such belief, we consider that this bill will carry out the object.

No matter what may be done, there will always be people who want liquor, and as long as the demand exists there will always be found people to supply it.

If the law is unjust or shows favoritism the public will not be with the law and it will encourage illicit sales. But where the law gives everyone an equal right the public are bound to assist in upholding it.

It is a well-known fact that at the present time nearly all the "beer saloons" sell anything that can be had at a full license saloon, because the public want their liquor at the place they may be at at the time, whether the dealer has a license or not. We believe that by giving all licensed retailers the right to sell all kinds of liquor, and give any responsible man a license who has the money, and place no restrictions as to zones of territory where liquor can be sold, except as to proximity to church or school, will have the effect of driving the illicit people out of the business and at the same time put the business where the police can have supervision, which will protect the public from the sale of a bad quality of liquor.

There is another matter which we deem it wise to mention at this time and that is that all licenses should commence from July 1st of each year, the same as the Federal Tax; and that when a new license is issued between terms that the number of twelfths or fractions thereof should be charged for.

This would bring the subject of all licenses up at the same time and would save the Government considerable trouble in the course of the year.

Hoping that our ideas may meet with your favorable approval and be embodied in any law on the subject which you may submit to the Legislature, we remain
Yours Respectfully,

HONOLULU RETAIL LIQUOR DEALERS'
PROTECTIVE ASSOCIATION.

By its President:

C. J. MCCARTHY,
C. B. LEMON, Secretary.
EDW. H. F. WOLTER,
P. T. RYAN,
C. R. DEMENT,
L. H. DEE,
T. A. SIMPSON,
Executive Committee.

This is the text of the bill proposed by the dealers:

AN ACT RELATING TO THE RETAIL SALE OF INTOXICATING LIQUORS IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Treasurer of the Territory of Hawaii shall grant two classes of licenses to retail intoxicating liquors upon application in writing stating the name of the vendor and the place where the applicant intends to establish his business, such application having received the approval in writing of the High Sheriff when the proposed place of business is situated upon the Island of Oahu, or of the Sheriff of the island where such business is sought to be established. That there shall be no restrictions as to locality except that no license shall be granted to any person whatever for premises within one hundred and fifty (150) feet of any Church or School House.

For the purpose of fixing the fees to be paid by retail liquor dealers, the following classification is hereby made and established:

All parts of the Territory of Hawaii within a radius of three miles of a building occupied by a first or second class Post Office of the United States as established by the Postmaster-General of the United States, shall be districts of the first class, and all other parts of the Territory shall be districts of the second class. In determining whether the place in which such business is to be conducted is in a district of the first or a district of the second class, it shall be the duty of the officer issuing such license to be guided as to the classification of the post offices, by the official reports of the Postmaster-General of the United States, and as to distances by the government survey maps, if such exist. If not, by the best information obtainable.

Section 2. The licenses mentioned in the foregoing section of this Act shall be the sole and only license under which it shall be permissible or lawful for any person to vend or sell in-

toxicating liquors or beverages in this Territory at retail and such license shall authorize the licensee to vend, sell and dispose of any intoxicating liquors by the gallon, bottle or glass on the premises therein specified between the hours of half past five o'clock in the morning and twelve o'clock midnight on every day except Sunday.

Section 3. No license shall be issued under the provisions of this Act, until the person or persons desiring the same shall have filed an application with the said Treasurer, the said application shall contain the name and residence of the person or persons applying therefor, and such a description of the premises where it is proposed to conduct the business as shall in-

clude the exact location. All applications for a license under this Act made by an individual or a co-partnership, shall also contain a statement of the citizenship of the person or persons making such application, and of the length of time such person or persons has or have resided in the Territory of Hawaii; and where such application is made by a corporation or any association, club or society it shall contain a statement showing under what laws such corporation or association, club or society is organized, and the citizenship and length of residence in the Territory of all stockholders or members of such corporation, association, club or society as shown by the books thereof, or otherwise such statement shall be verified by the oath of the President, Secretary or other presiding officer of such corporation, club, association or society.

Section 4. No license under the provisions of this Act shall be issued by the officer whose duty it is to issue the same, until there shall have been filed with the said officer a bond in the sum of Five Hundred Dollars, with surety or sureties to be approved by said officer. Said bond may be in form similar to the following:

KNOW ALL MEN BY THESE PRESENTS that we, as principal, and, as sureties, are held and firmly bound unto the Treasurer of the Territory of Hawaii, for the use of the said Territory, for the sum of five hundred dollars (\$500.00) lawful money, to be levied on our respective, joint and several property, in case the conditions hereinafter set forth shall be violated. For the just and full payment of which we hereby jointly and severally, bind ourselves, our heirs, executors and administrators. Sealed with our seals and dated this day of A. D.

The condition of this obligation is as follows:

THAT WHEREAS, the above bounden has applied for a license to vend intoxicating liquors, in accordance with the law approved on the day of A. D. entitled: "An Act relative to the Sale of Intoxicating Liquors" and has complied with all the requirements of law, and has consequently been granted a license to vend intoxicating liquors in accordance with such law, for the term of one year from date,

NOW THEREFORE, if during the continuance of this license the said shall not be convicted of felony, perjury or of any offense against or in violation of the revenue laws, or of any other offense under the said statute, involving a forfeiture of said license, then this obligation shall be void, otherwise, upon proof being made to the satisfaction of the court having jurisdiction, the penalty mentioned in the bond shall be forfeited and the license this day granted to the said shall be void.

Given under our hands and seals, the day and year above written.

In the presence of

THE FUNDAMENTAL LAW OF HAWAII CONTAINS:

1. The first Constitution of Kamehameha III, 1840, including the previously issued Bill of Rights.
2. The first laws of Hawaii, enacted under Kamehameha III, (1833-1842), published together in 1842.
3. The law creating and principles guiding the Land Commission.
4. The second Constitution of Kamehameha III, 1852.
5. The Constitution of Kamehameha V, 1864.
6. The Constitution of Kalakaua, 1887.
7. The Proclamation and orders incident to the establishment of the Provisional Government, 1893.
8. The Constitution of the Republic of Hawaii, 1894.
9. The treaty annexing Hawaii to the United States, 1897.
10. The Resolution of the Hawaiian Senate ratifying the annexation treaty, 1897.
11. The Joint Resolution of Congress annexing Hawaii, 1898.
12. The documents and procedure incident to the transfer of the sovereignty and possession of Hawaii to the United States, 1898; and the executive orders of President McKinley, relating to the government of Hawaii, issued during the transition period between the date of annexation and the passage of the Organic Act, 1898-1900.
13. The Act of Congress organizing Hawaii into a Territory, 1900.

Hawaiian Gazette Company, Honolulu, T. H.

Enclosed herewith find five dollars to pay for one copy of the Fundamental Law of Hawaii, which please send to

Name

Address

Cut this out and mail it to the Hawaiian Gazette Company, Honolulu, T. H. with \$5 and the Fundamental Laws of Hawaii will be immediately mailed to you, postage prepaid.

Approved)
()

Section 5. All licenses issued under the provisions of this Act shall be issued and operative for the period of one year from the date thereof and shall only be issued by the said Treasurer after the filing of the bond, the application affidavit and the full compliance by the licensee with the requirements of this Act and upon payment of five hundred (\$500) dollars in legal tender to said Treasurer for a license of the first class, or the payment of two hundred and fifty (\$250) dollars for a license of the second class, for the use and benefit of said Territory.

Section 6. The license so issued as hereinbefore provided shall not be transferable but the said Treasurer, after due written application by the licensee or his heirs, executors or administrators after his death, and upon the written approval of the High Sheriff or other Sheriff within whose jurisdiction the said business may be situated, may in his discretion allow any such licensee, his heirs, executors or administrators to remove the place of business to premises other than those specified in the said license; such approval or removal shall be endorsed by the Treasurer upon the said license.

Section 7. Any person, other than the licensee, the agent or servant of a person thereto licensed, who shall sell or dispose of any intoxicating liquors within this Territory, or shall cause or authorize therein any intoxicating liquors to be sold or disposed of by any person employed, hired or engaged for such purpose, without being thereto authorized by license as in this Act provided, shall be deemed guilty of a misdemeanor or shall, for the first offense be fined not less than the sum of two hundred and fifty dollars nor more than five hundred dollars and for every subsequent offense shall be fined the sum of five hundred dollars and be imprisoned at hard labor for not less than three months nor more than one year. One-half of every such fine shall be paid to the party giving the information which shall have led to the conviction of the offender.

Section 8. It shall not be lawful for any licensee under the provisions of this Act to sell intoxicating liquors or beverages to any person or persons who may be habitually intemperate or to minors provided, however, that any such sale to minors in order to render the said licensee liable to punishment under this Act shall be solely and only sales to such minor or minors for his personal use.

Section 9. Any person who shall violate or fail to observe any of the provisions of the last preceding section shall be deemed guilty of a misdemeanor, or upon conviction shall be fined not less than twenty-five nor more than one hundred dollars.

Section 10. The delivery of any intoxicating liquor either by the owner or occupier, or by his or her servant or other person in the house or place, shall be deemed to be sufficient prima

(Continued on page 6.)

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